IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 992 OF 2006

Pramodnath Prakashnath Jain .. Petitioner.
vs.
Bombay Repairs and Reconstruction
Board, MHADA & Ors. .. Respondents.

Mr. Milind Sathe a/w A.B. Salunke i/by S. Ashwinkumar & & Co.for petitioner.
Mr. G.W. Mattos, AGP., for respondents 1 to 4 & 6.
Mr. M.B. Gawade, Jt. Chief Officer, Mumbai Repair & Reconstruction Board present.
Mr. P.A. Sawant, Ex.Engineer, D-1, Div. MBR & RB MHADA present
Mr. R.R. Shinde, Ex.Engineer RV 5/ MBR & RB present.

CORAM : S.U. KAMDAR, J.
DATE : 20th April, 2006.

P.C.:

. The counsel appearing for respondent nos. 1 to 4 and 6 on instructions states that they withdraw all the three impugned orders dated 1.2.2002,

21.3.2005 and 17.2.2006. Accordingly, all the three orders are set aside. The Chief Officer, of Bombay Repairs and Reconstruction Board will decide the matter afresh after giving personal hearing to the petitioner and after giving opportunity to the petitioner to file documents in support of the case that as on 1978 when the building collapsed the petitioner was in actual use, occupation and possession of the said premises. The Chief Officer to decide the aforesaid representation within a period of 8 weeks from today. The petitioner to file necessary documents before the Chief Officer within a period of two weeks from today. In an event of the order is adverse to the petitioner, the same will not be given effect to for a further period of three weeks from the date of the communication of the said order to the petitioner. During the period when the proceedings are pending before the Chief Officer, the necessary godown in the newly constructed building which is claimed by the petitioner will not be allotted to anybody else. Petition disposed of accordingly. No order as to costs.